

**UNITED STATES OF AMERICA**  
**Before The**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**WASHINGTON, DC 20554**

In The Matter Of:  
Digital Audio Broadcasting Systems and  
Their Impact on Terrestrial Broadcast Service

FCC Docket MM 99-325

**REPLY COMMENTS OF THE AMHERST ALLIANCE**

THE AMHERST ALLIANCE is a Net-based, nationwide citizens' advocacy group. Amherst was founded on September 17, 1998 -- at a meeting in Amherst, Massachusetts -- in order to support a viable, meaningful Low Power Radio Service in particular and greater media diversity in general.

The Membership of THE AMHERST ALLIANCE is a blend of aspiring Low Power FM broadcasters and others who are "simply" concerned citizens. Both groups share a healthy skepticism toward the excessively concentrated, and also *increasingly* concentrated, control over the flow of information and ideas in our society.

THE AMHERST ALLIANCE played an important role in the movement to persuade the Federal Communications Commission to establish a Low Power Radio Service in 2000. Amherst also played a prominent role in blocking the worst of the Congressional counterattack that followed the FCC's decision.

In the present proceeding, FCC Docket MM 99-325, Amherst has already filed Written Comments in December of 1999 and again in February of 2002. Today, we submit Reply Comments in this Docket.

**ANNOUNCING AMHERST'S NEW POSITION --  
IN SUPPORT OF EUREKA-147 DIGITALIZATION TECHNOLOGY**

In the past, THE AMHERST ALLIANCE has been studiously neutral on the question of whether Eureka-147 technology or IBOC (In Band, On Channel) technology is the better route to Digitalization -- if, that is, the Commission determines that Digitalization is really needed in the first place.

Today, spurred by the Written Comments of THE VIRGINIA CENTER FOR THE PUBLIC PRESS (VCP), and also by the Commission's express solicitation of public input on "Third Band" Digitalization, Amherst breaks its standing tradition of neutrality.

By a unanimous vote of our active Membership, which overturns a divided vote by our active Membership in 1999, we now declare an explicit preference for Eureka-147 technology over IBOC technology -- provided, once again, that the Commission determines *some* form of Digitalization is truly needed.

In this regard, we endorse the endorsement of "Third Band" Digitalization by THE VIRGINIA CENTER FOR THE PUBLIC PRESS in its most recent Written Comments in FCC Docket MM 99-325. We do not necessarily agree with every single statement in VCP's Written Comments, nor do we necessarily echo every nuance of tone and style. Nevertheless, we join in VCP's "bottom line" conclusion that Eureka-147 technology is the better choice, IF some form of Digitalization is inevitable.

## **REASONS FOR CHOOSING EUREKA-147 TECHNOLOGY OVER IBOC TECHNOLOGY**

THE AMHERST ALLIANCE concluded long ago that -- in this era of increasingly concentrated control over the media, the economy and the campaign finance system -- an indispensable “litmus test” for every self-proclaimed reform is this:

Does this so-called “reform”, or “improvement”, *increase* or decrease the number of voices being heard?

By this simple “litmus test”, IBOC Digitalization technology fails the most fundamental measure of a self-proclaimed “step forward”. It *reduces* the number of voices that can be heard on the airwaves -- or, at best, it holds an enormous potential for drowning out other voices unless it is *very* carefully tested, monitored and regulated.

In contrast, Eureka-147 Digitalization technology *automatically* avoids many of the interference problems that IBOC Digitalization technology can avoid only through careful and constant regulatory oversight -- and perhaps not even then.

We are aware of, and have taken very seriously, the claims by some that Eureka-147 might pre-empt certain frequencies used by the Defense Department for flight operations and missile testing. While we at Amherst are concerned about national security, we are also aware that every nation on Earth with Digital radio has chosen Eureka-147 over IBOC. Even the People’s Republic of China and the former Soviet Union, neither of which were casual about national defense, chose Eureka-147.

From these facts of global life, we suspect that the Defense Department's concerns about Eureka-147 technology are a matter of convenience more than necessity.

We also note that the Commission, back in the early 1990's, gave tentative priority to IBOC technology, over Eureka-147 technology, by a margin of only 1 vote. Surely, the case for IBOC could not have been overwhelming.

As for Amherst's own change of position, away from neutrality on the two competing forms of Digitalization technology, the basic explanation is the fact that our Members have learned more about the two technologies during the 3 years since their last vote on IBOC. Even in 1999, only a minority of our Members favored IBOC over Eureka-147, but the minority was nevertheless large enough to compel a stance of neutrality by the organization as a whole. Today, the former proponents of IBOC over Eureka-147 have either drifted away from Amherst -- *or* changed their minds in light of the evidence. One factor in this change of outlook has been reports from actual radio listeners, as reported in our most recent Written Comments in this Docket.

There may be a lesson for the Commission in this pattern of increasing support for Eureka-147 as the evidence on IBOC interference accumulates.

**STATUS OF AMHERST'S  
PREVIOUS POLICY RECOMMENDATIONS**

The following previously expressed policy recommendations have not been affected by Amherst's new decision to endorse Eureka-147 over IBOC:

(1) We remain unconvinced that Digitalization of radio is really necessary. Consequently, our policy recommendations should be viewed as "contingency planning": that is, recommendations to the Commission on how to best implement Digitalization IF some form of Digitalization becomes inevitable.

In the view of most Members of THE AMHERST ALLIANCE, radio Digitalization is still seen as an expensive, and potentially counterproductive, effort to resolve problems of *substance* -- poor quality programming, lack of enough news coverage, lack of enough local coverage, lack of enough innovation, lack of enough variety and far too many commercials -- with technological "glitz" and glitter. Nevertheless, being wise enough and prudent enough to recognize the political power that stands behind the campaign for radio Digitalization, we at Amherst are bowing to the wind. We are seeking, and suggesting, ways to make Digitalization survivable for Low Power FM stations and other existing radio stations.

(2) We continue to believe that both Digitalization technologies should be fully tested -- and fully evaluated -- before either one is selected by the Commission.

In the present context, this means that Eureka-147 technology should be tested as fully as IBOC technology has been (and will be) tested.

Finally, the Amherst policy recommendation below has indeed been affected by Amherst's endorsement of Eureka-147 over IBOC. This policy recommendation has now become a "fallback" recommendation, to be considered by the Commission *only* if the Commission disregards our primary recommendation that Eureka-147 should be chosen over IBOC:

(3) In the event the Commission chooses to implement IBOC Digitalization technology, it should require that every proposed IBOC facility must be tested, case-by-case and in advance, to determine its potential for interference. If a potential for significant interference is found to exist, a license for the proposed IBOC facility should be either: (a) denied; or (b) delayed, until such time as the IBOC facility can demonstrate to the Commission that effective corrective measures, undertaken at the IBOC facility's own expense, have resolved the interference problem.

## CONCLUSION

We again urge the Commission to adopt Eureka-147 Digitalization, following full testing and evaluation of both Digitalization technologies, IF the Commission determines that some form of Digitalization is truly necessary.

Respectfully submitted,

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*A copy of these Reply Comments has been sent to every party who sent a copy of their  
Written Comments to us.*